

DEC 28 2004

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1641

PATENT

Rev 06/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Daniel R. Dietrich et al.
Application No. : 10/070,302
Filed : May 1, 2002
Confirmation No. : 2837
For : CONGENER INDEPENDENT DETECTION OF
MICROCYSTIN AND NODULARIN CONGENERS
Examiner : Mary E. Ceperley
Attorney's Docket : MBP-010XX

TC Art Unit: 1641

I hereby certify that this correspondence is being sent via
facsimile to Examiner Mary E. Ceperley, TC Art Unit 1641, Fax No.
(703)872-9306, on Dec 28, 2004.

By: Holliday C. Heine
Holliday C. Heine, Ph.D.
Registration No. 34,346
Attorney for Applicant(s)

AMENDMENT PURSUANT TO 37 C.F.R. § 1.116

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

In response to the Office Action dated June 28, 2004, please
amend the above-identified patent application as follows.

DEC 28 2004

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

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DATE: December 28, 2004

TO: Examiner Mary E. Ceperley
TC Art Unit: 1641

Fax No.: (703) 872 9306

FROM: Holliday C. Heine

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Filed Date: May 1, 2002
Confirmation No.: 2837

Sent by: Maggie Chinappi

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MESSAGE

PLEASE DELIVER DIRECTLY TO:
EXAMINER Mary E. Ceperley, Tel. (571) 272-0813
TC ART UNIT NO: 1641

FOR ENTRY

Enclosed for filing please find an: **Amendment Pursuant to 37 C.F.R. §1.116**
and **Notice of Appeal**

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

Holliday C. Heine
Attorney for Applicant Holliday C. Heine, Ph.D.
Registration No. 34,346

HCH/mc/315416-1

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Application No.: 10/070,302
Filed: May 1, 2002
TC Art Unit: 1641
Confirmation No.: 2837

Rev 12/04

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COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: December 28, 2004

Attorney

Docket No.: MBP-010XX

Sir:

In re application of: Daniel R. Dietrich et al.

Entitled: CONGENER INDEPENDENT DETECTION OF MICROCYSTIN AND NODULARIN CONGENER

Transmitted herewith is an Amendment Pursuant to 37 C.F.R. §1.116 in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on per §1.116.
- ☒ A Petition for Extension of Time for 3 months is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$510.00) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ Other: Notice of Appeal; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$250.00).

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= 0	x \$200.00 =	0
Total	21 - 28	= 0	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE:				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				
TOTAL ADDITIONAL FEE:				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Mary E. Ceperley, TC Art Unit 1641, Fax No. (703) 872 9306, on December 28, 2004.

Holliday C. Heine
Attorney of Record: Holliday C. Heine, Ph.D.
Registration No.: 34,346

HCH/mc/315418-1